

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: EMERGENCY EXTENSION OF WINTER MORATORIUM FOR NATURAL GAS AND ELECTRIC SERVICE CUSTOMERS	DOCKET NO. RMU-01-3 (NOI-01-1)
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ORDER ADOPTING EMERGENCY RULE

(Issued March 30, 2001)

Pursuant to Iowa Code §§ 17A.4, 17A.5, 476.1, 476.2, 476.20 (2001), the Utilities Board (Board) is adopting an emergency rule to extend the disconnection moratorium in 199 IAC 19.4(17) and 199 IAC 20.4(17) from April 1, 2001, to May 1, 2001. The "Adopted and Filed Emergency" notice which is attached to this order and incorporated herein by reference contains an explanation of the reasons for the emergency rule adopted by the Board.

The Board is adopting these amendments without notice and public participation pursuant to the provisions of Iowa Code § 17A.4(2). The Board finds that the notice and public participation would be contrary to the public interest.

The Board is adopting the amendments effective March 30, 2001, pursuant to the provisions of Iowa Code § 17.5(2)"b"(2). The Board finds that this effective date is necessary since the rule provides a benefit to the public and because of imminent peril to the public health, safety, and welfare.

IT IS THEREFORE ORDERED:

1. An emergency rule, identified as Docket No. RMU-01-3, is adopted.
2. The Acting Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Emergency Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Acting Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 30th day of March, 2001.

UTILITIES DIVISION [199]

Adopted and Filed Emergency

Pursuant to Iowa Code sections 17A.4, 17.5, 476.1, 476.2, and 476.20 (2001), the Utilities Board (Board) hereby amends 199 IAC 19.4(17) and 199 IAC 20.4(17). The Board issued an order in Docket No. RMU-01-3, In re: Emergency Extension of Winter Moratorium For Natural Gas and Electric Service Customers, on March 30, 2001, adopting amendments to the two subrules to extend the prohibition against disconnection of gas and electric utility service from April 1, 2001, to May 1, 2001. The purpose of these amendments is to ensure that utility customers are not disconnected during the continuing cold weather.

On March 22, 2001, the Board issued an order establishing Docket No. NOI-01-1 as an emergency inquiry concerning the compliance of regulated utilities with the provisions of 199 IAC 19.4(10). The inquiry was opened because this year customers of Iowa's natural gas investor-owned utilities experienced a winter of unusually high natural gas commodity prices and a November-December period that was unusually cold. This combination of events sent utility purchased gas costs, utility bills, and utility revenues to record highs. These events have affected all natural gas customers, some of whom do not have the financial resources to manage the resulting increase in household expenses. As a result, some customers have been unable to pay their natural gas utility bills in full.

The Board received written comments and oral comments concerning the number of utility gas customers that were in default of payment arrangements or who had not been able to pay their gas bills because of the extreme cold weather and the higher than normal cost of gas. The Board is also concerned about the number of customers of electric utilities who are also subject to disconnection by the end of the moratorium. Even though the high winter bills were the result of a combination of the extreme cold and the high cost of gas, customers should not be subject to disconnection from electric service while they are attempting to pay those bills.

The Board is extending the moratorium an additional 30 days to ensure that the colder than normal temperatures have passed and those customers who are eventually disconnected do not have to face the cold weather without heat. The Board understands from the comments and commitments made by the utilities that they are working with customers to prevent disconnection. The Board encourages the utilities' actions. The Board though believes that it needs to take this action so that customers are assured that they will not be faced with a situation that may endanger their safety if they are unable to reach an agreement on their bills.

In compliance with Iowa Code section 17A.4(2), the Board finds that notice and public participation would be contrary to the public interest since the ending of the moratorium would occur before the normal notice and comment period ended.

The Board finds that, pursuant to Iowa Code section 17A.5(2)"b"(2), the normal effective date of the amendments should be waived and these amendments should

be effective upon filing, as they confer a benefit on the public and this effective date is necessary because of imminent peril to the public health, safety, and welfare.

The Board issued an order adopting these amendments on March 30, 2001.

The amendments will become effective March 30, 2001.

The amendments are intended to implement Iowa Code chapter 476.

The following amendments are adopted.

Item 1. Amend subrule 19.4(17) as follows:

19.4(17) *When disconnections prohibited.* No disconnection may take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program. No disconnection shall take place from April 1, 2001, through May 1, 2001, for eligible residents.

Item 2. Amend subrule 20.4(17) as follows:

20.4(17) *When disconnections prohibited.* No disconnection may take place from November 1 through April 1 for a resident who is a head of household and who has been certified to the public utility by the local community action agency as being eligible for either the low-income home energy assistance program or weatherization assistance program. No disconnection shall take place from April 1, 2001, through May 1, 2001, for eligible residents.

March 30, 2001

/s/ Allan T. Thoms

Allan T. Thoms
Chairperson